

# *CITY COUNCIL*

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## *Committee of the Whole*

**Monday, June 21, 2021**

**5:00 pm**

**Virtual Meeting**

**Agenda**

**Under the current COVID-19 Declaration of Emergency the public is prohibited from attending the Committee of the Whole meeting. This meeting can be viewed LIVE on the City's website while the meeting is taking place or at any time at <https://www.readingpa.gov/content/city-council-video>.**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://readingpa.zoom.us/j/98207623093?pwd=cXlvT0dzc3E5bWxhYTBqWFI3WDFMUT09>

Passcode: 080648

Or One tap mobile:

+16465588656,,98207623093#,,, \*080648# US (New York)

+13017158592,,98207623093#,,, \*080648# US (Washington DC)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 982 0762 3093

Passcode: 080648

- |             |  |                |
|-------------|--|----------------|
| <b>I.</b>   | <b>Skate Board Park Update</b>   | <b>20 mins</b> |
| <b>II.</b>  | <b>Charter Amendment requiring Council to employ its own Solicitor</b>           | <b>30 mins</b> |
|             | <i>Bill 9-2020 attached – see page 3-4</i>                                       |                |
|             | <i>Bethlehem material 5-12</i>   |                |
|             | <i>Bethlehem 2021 Budget for Council solicitor \$25K</i>                         |                |
| <b>III.</b> | <b>Finance</b>   | <b>30 mins</b> |
|             | <b>• Define Policy on Use and Approval of American Rescue Plan (ARP) Funding</b> |                |
|             | ○ Is the City eligible to apply for State & County ARP Funding                   |                |

- **Review 1<sup>st</sup> Quarter Financials**

*Report on pages 12 & 13*

**IV. Update – Dana South**

**30 mins**

Drafted by: City Clerk  
Referred by: Charter Review Commission  
Introduced on: December 9, 2019  
Advertised on:

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify that the foregoing is a true and correct copy of the ordinance passed by the Council of the City of Reading, on the 13 day of Jan A. D. 2020. Witness my hand and seal of said City this 20 day of Jan A. D. 2020.

*[Signature]*  
CITY CLERK

BILL NO. 9 2020

### AN ORDINANCE

**AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2020 PRIMARY BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER TO ARTICLE II CITY COUNCIL TO PROVIDE CITY COUNCIL WITH THE ABILITY TO APPOINT THEIR OWN SOLICITOR**

**WHEREAS**, The Charter currently requires that the City shall have one City Solicitor who serves both the Mayor and Council; and

**WHEREAS**, having one Solicitor serving both parties often creates conflicts and requires Council to retain outside legal counsel; and

**WHEREAS**, a duly appointed Charter Review Commission has recommend that said Home Rule Charter Article II be amended by adding a new Section 226 allowing Council to retain their own independent legal counsel and renumbering the remaining sections as set forth herein.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2020 primary ballot:

**Creating a new Home Rule Charter Section 226 – City Council Solicitor**  
“Shall Section 226 of the Reading City Charter be amended to provide City Council with the ability to appoint their own Solicitor, as fixed by the annual budget?”

#### Simple Explanation

A “YES” vote means the City of Reading Home Rule Charter would be amended to provide City Council with the ability to appoint an attorney to work solely for City Council, eliminating the current conflict of having one Solicitor serving both the Executive and Legislative branches of government, as authorized by the annual budget and position ordinance.

A "NO" vote would retain the current language designating one City Solicitor who works for both the Mayor and City Council."

**SECTION 2.** This ordinance shall become effective ten (10) days after it's adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted Jan 13, 2020

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: 1/14/20

Received by the Mayor's Office: \_\_\_\_\_

Date: 1/14/20

Approved by Mayor: \_\_\_\_\_

Date: 1/23/2020

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit A

## ARTICLE II

### § 226. City Council Solicitor

City Council shall appoint a Council Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Council Solicitor shall serve as legal advisor to City Council. Council's Solicitor shall perform professional legal services for City Council. The primary responsibility of the position of Council Solicitor is to advise City Council on questions of law. City Council's Solicitor shall have his or her own legal secretary to assist in the preparation of all opinions, memorandums, and whatever other correspondence is required in the performance of the Council Solicitor's duties. Compensation shall be fixed as Council, by budgetary provisions, provides, and who, in all other respects, shall be considered employees of the City.

F- City Council Solicitor - QUB  
Duties F

**CITY OF BETHLEHEM**

**Inter-Office Memorandum**

**SUBJECT:** City Council Solicitor - Duties

**TO:** Members of City Council

**FROM:** Robert J. Donchez, President of Council

**DATE:** March 14, 2008

Attached for your reference is a copy of the City Council Solicitor Duties.



Robert J. Donchez, President of Council

Attachment

cc: C. Spadoni

## City Council Solicitor

### General Statement of Duties

Council's Solicitor will perform professional legal services for City Council. The primary responsibility of the position is to advise City Council on questions of law. Legal matters will be referred to the Council Solicitor by members of Council or through the City Clerk.

### Specific Duties

- Attend all City Council meetings.
- Attend all Committee meetings when legal assistance is required, unless the Committee Chairperson, at his/her discretion, does not require the presence of the Council Solicitor.
- Conduct legal research.
- Review new ordinances or revisions to the Codified Ordinances prepared by the City Solicitor or his Assistants.
- Review leases and other legal documents prepared by the City Solicitor or his Assistants.
- Give advice on legal matters to Members of City Council.
- Respond to citizens' legal inquiries that are made to him by Members of City Council or the Clerk.
- Consult with City Solicitor on City legal matters when requested by the President of Council

### Required Knowledge, Skills and Abilities

Good knowledge of modern principles and practices of law, and of local, State and Federal laws and court decisions affecting municipalities. Position requires tact, good professional judgment and ethics.

### Additional Requirement

Council's attorney must have his own legal secretary to assist in the preparation of all opinions, memorandums, and whatever other correspondence is required in the performance of his duties.

CITY COUNCIL SOLICITOR - DUTIES

1. The Council Solicitor shall attend all regular meetings of City Council.
  - A. If unable to attend a City Council Meeting, the Council Solicitor shall contact the President of Council. Arrangements for a substitute shall be made through the President of Council at his discretion.
2. The Council Solicitor shall attend all committee meetings of City Council when legal assistance is required, unless the Committee Chairman, at his/her discretion, does not require the presence of the Council Solicitor.
  - A. Upon notification of the date, time and subject matter of a Council Committee meeting, the Council Solicitor will contact the Committee Chairperson or City Clerk to determine whether the Chairperson desires the presence of the Solicitor.
3. The Council Solicitor shall attend all Executive Sessions.
  - A. The Council Solicitor shall confer with the City Solicitor regarding the scheduling of every Executive Session.
4. The Council Solicitor shall attend any other meetings related to business of City Council when requested to by the President of Council or a Member of Council.
5. Recognizing that the Third Class City Code provides that the City Solicitor has the superintendence, direction and control of the law matters of the City, the City Council Solicitor shall be the primary source of legal opinions and legal advice requested by members of City Council. In instances in which the subject matter involves issues related to Administrative matters or issues which require the opinion of the City Solicitor, Council members may request the City Solicitor to issue an opinion and direct the Council Solicitor to consult with the City Solicitor concerning the issue.
6. The Council Solicitor shall forward a copy of all written opinions to the City Solicitor unless the opinion involves a confidential and/or privileged matter.
7. A copy of written legal opinions requested by a member of Council shall be forwarded to the President of Council, each of the Members of City Council and the City Clerk, unless a Member of Council requests confidentiality as to the opinion, at which time the communication will be subject to an attorney/client privilege.



8. The Council Solicitor shall be available to the Administration for the purposes of consultation concerning legal issues related to matters that may require future Council action.
9. The Council Solicitor shall be available to the office of the City Solicitor for the following purposes:
  - (a) Consultation concerning pending or threatened litigation involving the City or ordinances or resolutions of the City that may be subject to challenge;
  - (b) Consultation concerning the drafting of proposed City ordinances;
  - (c) Consultation regarding any other matters relating to City business at the request of the City Solicitor;
  - (d) To represent the City where the City Solicitor and/or Assistant City Solicitors have a conflict of interest, subject to the approval of the President of Council.
10. The Council Solicitor shall be available to the City Clerk for the purpose of consultation and advice on issues related to the duties of the Clerk and Council business. The Council Solicitor shall supply a FAX number, if available, to the Clerk to expedite the review and exchange of documents.
11. The Council Solicitor shall review all resolutions, leases, agreements and other documents upon which Council action will be required and shall consult and discuss with the City Solicitor all issues related thereto.
12. The Council Solicitor shall review proposed ordinances prepared by the Administration and discuss with the City Solicitor any clarifications, if necessary.



RESOLUTION NO. 2014 - 29

BE IT RESOLVED by the Council of the City of Bethlehem that the services of Christopher T. Spadoni, City Council Solicitor, are hereby terminated effective February 18, 2014; and

BE IT RESOLVED by the Council of the City of Bethlehem that

John F. Spirk, Jr., Esq.

is hereby appointed City Council Solicitor. This appointment is effective February 18, 2014.

Sponsored by        /s/ Karen Dolan

/s/ Adam R. Waldron

ADOPTED by Council this 18<sup>th</sup> day of February, 2014.

/s/ J. William Reynolds  
President of Council

ATTEST:

/s/ Cynthia H. Biedenkopf  
City Clerk

PRESS RELEASE

Bethlehem City Council has notified the City Solicitor that effective March 10, 1986, Attorney John M. Morganelli will begin service as the legislative body's attorney. A description of his duties is attached. Mr. Morganelli will be paid the annual salary of \$12,000. It should be noted that a portion of this salary will be financed in the following way: Mr. Leeson's salary of \$27,300 will be reduced to \$22,000 and Assistant Solicitor Kelleher's salary will be cut from \$18,500 to \$16,800. It is anticipated that the remainder of Mr. Morganelli's salary will be financed from Unforeseen Contingencies. We feel justified in making the salary reductions within the Law Bureau Budget because Mr. Morganelli's presence will undoubtedly mean a reduced work load for both gentlemen.

March 5, 1986

## ATTORNEY FOR CITY COUNCIL

### General Statement of Duties

Council's attorney will perform professional legal services for City Council. The primary responsibility of the position is to advise City Council on questions of law. Legal matters will be referred to the attorney by members of Council or through the City Clerk.

### Specific Duties

Attend all City Council meetings.  
Attend all Committee meetings when legal assistance is required.  
Conduct legal research and prepare new ordinances or revisions, and codification of ordinances for City Council.  
Review leases and other legal documents prepared by the City Solicitor or his Assistant.  
Give advice on legal problems to members of City Council.  
Respond to citizen legal inquiries that are made to him or her by members of City Council or the Clerk.

### Required Knowledge, Skills and Abilities

Good knowledge of modern principles and practices of law, and of local, State and Federal laws and court decisions affecting municipalities.  
Position requires tact, good professional judgment and ethics.

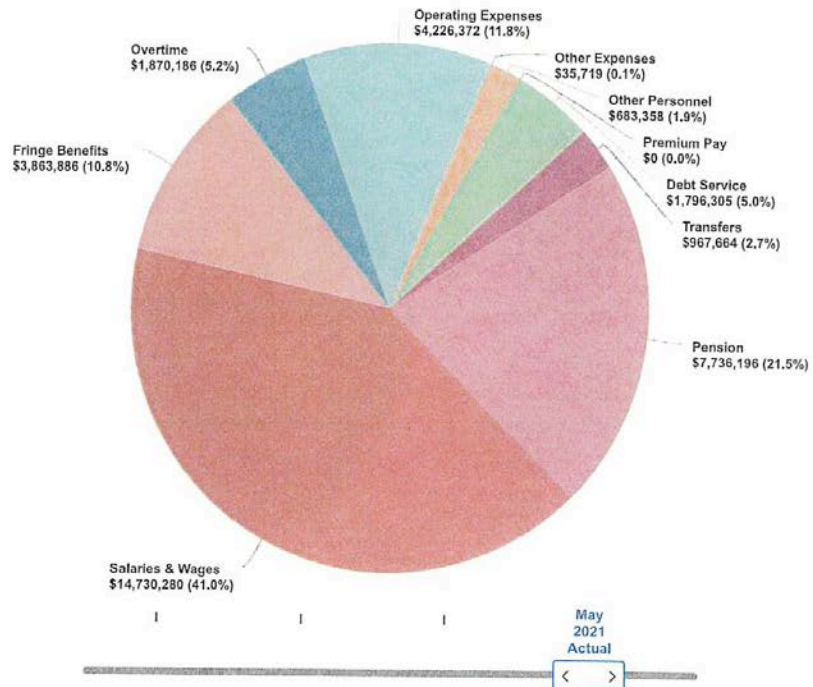
### Additional Requirement

Council's attorney must have his or her own legal secretary to assist in the preparation of all opinions, memorandums, and whatever other correspondence is required in the performance of his or her duties.

## Monthly Financial Report for General Fund (MTD & YTD)

2021 MAY EXP MONTHLY REPORT

### Visualization



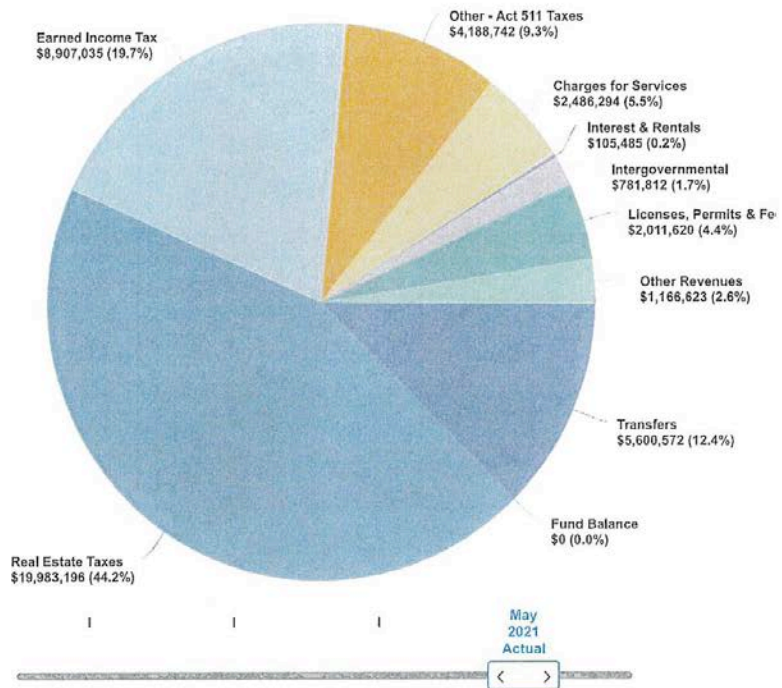
Expand All	May 2019 Actual	May 2020 Actual	2021 Budget	May 2021 Actual	2021 Variance	2021 Variance
▸ Salaries & Wages	\$ 14,068,492	\$ 13,810,034	\$ 35,466,236	\$ 14,730,280	-20,735,956	-58.47%
▸ Fringe Benefits	3,991,023	3,450,377	9,651,075	3,863,886	-5,787,189	-59.96%
▸ Overtime	1,838,250	1,551,340	3,398,380	1,870,186	-1,528,194	-44.97%
▸ Operating Expenses	3,897,112	3,875,792	13,123,262	4,226,372	-8,896,890	-67.79%
▸ Other Expenses	71,772	36,808	153,760	35,719	-118,041	-76.77%
▸ Other Personnel	567,642	554,467	1,757,511	683,358	-1,074,153	-61.12%
▸ Premium Pay	5,248	0	19,400	0	-19,400	-100.00%
▸ Debt Service	2,676,260	2,249,629	9,394,963	1,796,305	-7,598,658	-80.88%
▸ Transfers	971,817	967,664	2,322,393	967,664	-1,354,729	-58.33%
▸ Pension	7,734,955	7,820,864	17,194,682	7,736,196	-9,458,486	-55.01%
<b>Total</b>	<b>\$ 35,822,570</b>	<b>\$ 34,316,974</b>	<b>\$ 92,481,662</b>	<b>\$ 35,909,965</b>	<b>-56,571,697</b>	<b>-61.17%</b>

Data filtered by Expenses, General Fund and exported on June 7, 2021. Created with OpenGov

## Monthly Financial Report for General Fund (MTD & YTD)

2021 Rev GF MONTHLY REP

### Visualization



Expand All	May 2019 Actual	May 2020 Actual	2021 Budget	May 2021 Actual	2021 Variance	2021 Variance
▶ Real Estate Taxes	\$ 19,400,950	\$ 17,671,996	\$ 24,649,055	\$ 19,983,196	-4,665,859	-18.93%
▶ Earned Income Tax	10,185,323	9,435,158	20,242,120	8,907,035	-11,335,085	-56.00%
▶ Other - Act 511 Taxes	3,988,863	3,165,238	7,680,349	4,188,742	-3,491,607	-45.46%
▶ Charges for Services	3,195,429	2,322,033	7,069,482	2,486,294	-4,583,188	-64.83%
▶ Interest & Rentals	348,582	163,784	797,300	105,485	-691,815	-86.77%
▶ Intergovernmental	780,948	789,523	8,237,801	781,812	-7,455,989	-90.51%
▶ Licenses, Permits & Fees	2,314,359	1,897,822	5,416,316	2,011,620	-3,404,696	-62.86%
▶ Other Revenues	1,011,754	1,028,729	2,692,732	1,166,623	-1,526,109	-56.68%
▶ Transfers	5,322,796	5,590,853	13,441,372	5,600,572	-7,840,800	-58.33%
▶ Fund Balance	0	0	2,255,135	0	-2,255,135	-100.00%
<b>Total</b>	<b>\$ 46,549,004</b>	<b>\$ 42,065,136</b>	<b>\$ 92,481,662</b>	<b>\$ 45,231,380</b>	<b>-47,250,282</b>	<b>-51.09%</b>

Data filtered by Revenues, General Fund and exported on June 7, 2021. Created with OpenGov